

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARCIA S. OLIVER,

Plaintiff,

07 Civ. 7196 (JGK)

- against -

ORDER

THE BANK OF NEW YORK, INC.,

Defendants.

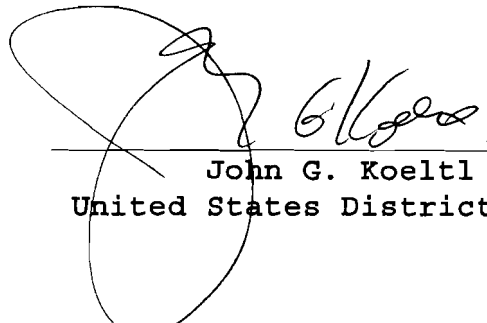
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JOHN G. KOELTL, District Judge:

For the reasons stated on the record at the conference held on July 21 2008, the motion to dismiss is granted in part and denied in part. The plaintiff's age and gender/sex discrimination claims pursuant to the ADEA and Title VII are dismissed because they were not presented to the EEOC. The defendant's motion to dismiss is otherwise denied. The Clerk is directed to close Docket No. 33.

SO ORDERED.

Dated: New York, New York  
July 23, 2008

  
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John G. Koeltl  
United States District Judge

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/24/2008
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